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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIGUEL ANGEL ROMO-JIMENEZ,

Petitioner,

v.

ERIC H. HOLDER, JR.,

Respondent.

Case No. 1:13-cv-2081-AWI-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(ECF Nos. 47, 52)

ORDER DIRECTING SERVICE OF ORDER
ON THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

Following a Board of Immigration Appeals (“BIA”) decision to deny derivative citizenship through his mother, Petitioner filed a petition for review of the BIA decision with the United States Court of Appeals for the Ninth Circuit on November 30, 2011. Romo-Jimenez v. Eric H. Holder Jr., No. 11-73647 (9th Cir.) On August 27, 2013, the Ninth Circuit filed a memorandum and order transferring this action to the United States District Court for the Northern District of California for an evidentiary hearing to determine Petitioner’s legal custody during the time period at issue. Following transfer to the Eastern District by stipulation of the parties, the matter was referred to the Magistrate Judge.

On June 18, 2014, the Magistrate Judge filed a [Findings and Recommendations](#) which was served on the parties and which contained notice that any objections to the Findings and Recommendations were to be filed within fourteen days. After receiving an extension of time,

1 Petitioner filed an [Objection](#) under seal on July 28, 2014. Respondent filed a [Response](#) to
2 Petitioner's Objection on August 18, 2014.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
4 a de novo review of this case. Having carefully reviewed the entire file, the Court finds the
5 Findings and Recommendations to be supported by the record and by proper analysis. As
6 explained more fully in the Findings and Recommendations, the only issue before the Court is
7 who had legal authority over Petitioner during the relevant time frame. The objections offer no
8 reason for the Court to disagree with the Magistrate Judge's recommendation that, under
9 California law, his probation officer and the California Youth Authority had legal custody of
10 Petitioner.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The Findings and Recommendations, filed June 18, 2014, is adopted in full; and
- 13 2. The Clerk of the Court shall serve a copy of this order on the United States Court
14 of Appeals for the Ninth Circuit.

15 IT IS SO ORDERED.

16 Dated: November 5, 2014

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19 SENIOR DISTRICT JUDGE